

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 500 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 14.
- 3 Page 2, line 19, delete "The secretary of state." and insert "**An**
- 4 **individual selected under section 7 of this chapter to serve only for**
- 5 **the purpose of breaking a two (2) to two (2) tie that has occurred**
- 6 **in the votes cast by the members of the commission.**".
- 7 Page 4, line 1, delete "(the secretary of state)" and insert "**an**
- 8 **individual selected under section 7 of this chapter)**".
- 9 Page 4, delete lines 25 through 40.
- 10 Page 5, line 1, after "commission" delete ", including:" and insert
- 11 **"(other than an individual selected under subsection (c))"**.
- 12 Page 5, delete lines 2 through 4.
- 13 Page 5, run in lines 1 through 5.
- 14 Page 5, delete lines 9 through 12, begin a new paragraph and insert:
- 15 **"(c) When the casting of a fifth vote is necessary only for the**
- 16 **purpose of breaking a two (2) to two (2) tie that has occurred in the**
- 17 **votes cast by the members of the commission, the commission shall**
- 18 **proceed as follows:**
- 19 **(1) Not later than three (3) business days after the two (2) to**
- 20 **two (2) vote of the commission, the commission members who**
- 21 **are members of the same major political party shall together**
- 22 **select as an arbitrator an individual who is:**
- 23 **(A) an Indiana resident; and**
- 24 **(B) qualified to serve on an American Arbitration**
- 25 **Association panel.**
- 26 **(2) Not later than five (5) business days after the date of the**
- 27 **last selection under subdivision (1), the two (2) arbitrators**
- 28 **selected under subdivision (1) shall select as a third arbitrator**
- 29 **an individual who is:**
- 30 **(A) an Indiana resident; and**
- 31 **(B) qualified to serve on an American Arbitration**

- 1           **Association panel.**
- 2           **(3) Not later than ten (10) business days after the date the**
- 3           **third arbitrator is selected under subdivision (2), the**
- 4           **commission shall convene in a public meeting at which the**
- 5           **third arbitrator:**
- 6               **(A) is present in person;**
- 7               **(B) takes an oath as a member of the commission only for**
- 8               **the purpose of casting a fifth vote in the matter in which**
- 9               **the two (2) to two (2) vote of the commissioners occurred;**
- 10              **and**
- 11              **(C) casts the fifth vote.**
- 12           **(4) The third arbitrator shall base the vote cast under**
- 13           **subdivision (3)(C) on:**
- 14               **(A) a review the portion of the transcript of the**
- 15               **commission's meeting concerning the matter in which the**
- 16               **two (2) to two (2) vote of the commissioners occurred; and**
- 17               **(B) applicable Indiana law.**
- 18           **(5) If only one (1) arbitrator is selected under subdivision (1),**
- 19           **that arbitrator performs the duties described for the third**
- 20           **arbitrator under subdivisions (3) and (4).**
- 21           **(6) A vote taken using the procedure in this subsection is an**
- 22           **official action of the commission and is subject to review to the**
- 23           **same extent and in the same manner as any other official**
- 24           **action of the commission."**
- 25           Page 5, line 15, delete "(including the secretary of state)" and insert
- 26           **"(other than an individual selected under section 7 of this chapter)".**
- 27           Page 5, line 17, delete "(or in the case of the secretary of state, as
- 28           chair)".
- 29           Page 5, line 23, delete "An individual who is designated to serve as
- 30           a".
- 31           Page 5, delete lines 24 through 26.
- 32           Page 5, line 27, delete "party as the secretary of state".
- 33           Page 5, line 28, delete "(or the".
- 34           Page 5, line 29, delete "secretary of state, as chair)".
- 35           Page 5, line 29, delete "or the secretary of state".
- 36           Page 5, line 35, delete "(including the secretary of state)".
- 37           Page 5, line 37, delete "(or in the case of the secretary of".
- 38           Page 5, line 38, delete "state, as chair)".
- 39           Page 6, line 1, delete "An individual who is designated".
- 40           Page 6, delete lines 2 through 4.
- 41           Page 6, line 5, delete "political party as the secretary of state".
- 42           Page 6, line 6, delete "(or".
- 43           Page 6, line 7, delete "the secretary of state, as chair)".
- 44           Page 6, line 7, delete "or the secretary of".
- 45           Page 6, line 8, delete "state".
- 46           Page 6, delete lines 12 through 42.
- 47           Page 7, delete lines 1 through 12, begin a new paragraph and insert:
- 48           **"SECTION 7. IC 3-6-4.1-17 IS AMENDED TO READ AS**

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) If the commission by unanimous vote of the entire membership of the commission **(excluding an individual selected under section 7 of this chapter)** finds that a natural disaster or other emergency makes it impossible or unreasonable for a person to perform a duty or file a document by the time specified in this title, the commission may issue an order extending the time for performing the duty or filing the document.

(b) An order described in subsection (a) expires not later than thirty (30) days after the order is issued. The order must include the following:

- (1) The geographic area subject to the order.
- (2) The election board or official subject to the order.
- (3) The duty or filing subject to the order.
- (4) The specific date by which the duty must be performed or the document filed under the order."

Page 7, line 15, after "commission" delete "," and insert "**(other than an individual selected under section 7 of this chapter),**".

Page 7, line 15, reset in roman "co-directors,".

Page 7, line 15, delete "director,".

Page 7, delete lines 18 through 40, begin a new paragraph and insert:  
"SECTION 9. IC 3-6-4.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Subject to section 5 of this chapter, the co-directors may each employ an equal number of employees.

**(b) The co-directors shall designate one (1) of the employees described in subsection (a) as the office manager for the election division. The employee designated as the office manager:**

- (1) supervises the day-to-day operations of the election division;**
- (2) serves as the office manager at the pleasure of the co-directors; and**
- (3) in the employee's capacity as the office manager, reports to the co-directors."**

Page 7, line 42, delete "(a) The director".

Page 8, delete lines 1 through 5.

Page 8, line 6, reset in roman "(a)".

Page 8, line 6, delete "(b)".

Page 8, line 6, reset in roman "a co-director".

Page 8, line 6, delete "the".

Page 8, line 6, delete "of assistant".

Page 7, run in line 42 through page 8, line 6.

Page 8, line 7, delete "director".

Page 8, line 7, after "notify" delete ",".

Page 8, line 7, reset in roman "the governor and".

Page 8, line 7, after "governor" insert ",".

Page 8, line 11, delete "(b) (c)" and insert "(b)".

Page 8, line 11, delete "governor secretary of" and insert "governor".

- 1 Page 8, line 12, delete "state".
- 2 Page 8, line 15, delete "governor director" and insert "governor".
- 3 Page 8, line 15, delete "appoint employ" and insert "appoint".
- 4 Page 8, line 18, delete "director" and reset in roman "governor".
- 5 Page 8, line 21, delete "(c) (d)" and insert "(c)".
- 6 Page 8, line 24, delete "(c)," and insert "(b),".
- 7 Page 8, line 24, delete "governor director" and insert "governor".
- 8 Page 8, delete lines 37 through 42.
- 9 Page 9, delete lines 1 through 9.
- 10 Page 9, line 38, after "(8)" insert "(7)".
- 11 Page 9 line 38, reset in roman "Implement".
- 12 Page 9, line 38, delete "(7) Assist the secretary of state with the".
- 13 Page 9, line 39, delete "implementation of".
- 14 Page 9, line 41, after "title" delete ".".
- 15 Page 9, line 41, reset in roman "and appoint members of the
- 16 committee established under 42".
- 17 Page 9, line 42, reset in roman "U.S.C. 15405.".
  - 18 Page 10, delete lines 4 through 42.
  - 19 Delete pages 11 through 13.
  - 20 Page 14, delete lines 1 through 29.
  - 21 Page 15, delete lines 5 through 23.
  - 22 Page 15, line 26, delete "election division" and reset in roman
  - 23 "co-directors or designated employee".
  - 24 Page 15, line 28, reset in roman "co-directors".
  - 25 Page 15, line 30, delete "election division".
  - 26 Page 15, line 33, delete "election division" and insert
  - 27 "co-directors".
  - 28 Page 15, line 36, delete "election division" and insert
  - 29 "co-directors".
  - 30 Page 16, line 14, delete "election division" and insert
  - 31 "co-directors".
  - 32 Page 16, line 18, delete "election division" and insert
  - 33 "co-directors".
  - 34 Page 16, delete lines 24 through 42.
  - 35 Page 17, delete lines 1 through 11.
  - 36 Page 17, line 15, delete "election division;" and insert
  - 37 "co-directors;".
  - 38 Page 17, delete lines 18 through 42.
  - 39 Page 18, line 14, delete "election division;" and reset in roman
  - 40 "co-directors;".
  - 41 Page 18, line 22, delete "election division has" and reset in roman
  - 42 "co-directors have".
  - 43 Page 18, delete lines 29 through 36.
  - 44 Page 19, line 8, delete "election division" and reset in roman
  - 45 "co-directors".
  - 46 Page 19, delete lines 10 through 42.
  - 47 Delete pages 20 through 23.
  - 48 Page 24, delete lines 1 through 32.

- 1 Page 25, delete lines 29 through 41.
- 2 Page 26, line 2, reset in roman "co-directors of the".
- 3 Page 26, line 7, reset in roman "co-directors of the".
- 4 Page 26, delete lines 10 through 35.
- 5 Page 26, line 38, reset in roman "co-directors of the".
- 6 Page 27, line 1, reset in roman "co-directors".
- 7 Page 27, line 1, delete "election division".
- 8 Page 27, delete lines 4 through 18.
- 9 Page 27, line 27, reset in roman "co-directors of the".
- 10 Page 27, line 31, reset in roman "co-directors of the".
- 11 Page 27, line 36, reset in roman "co-directors".
- 12 Page 27, line 36, delete "election division".
- 13 Page 27, delete lines 39 through 42.
- 14 Page 28, delete lines 1 through 11.
- 15 Page 28, line 14, reset in roman "co-directors of the".
- 16 Page 28, line 19, reset in roman "co-directors".
- 17 Page 28, line 19, delete "election division".
- 18 Page 28, delete lines 22 through 42.
- 19 Delete page 29.
- 20 Page 30, delete lines 1 through 2.
- 21 Renumber all SECTIONS consecutively.  
(Reference is to SB 500 as printed February 25, 2005.)

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Senator LAWSON C